



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	20
<b>VAC Chapter Number:</b>	170
<b>Regulation Title:</b>	Regulations Relating to Private Security Services
<b>Action Title:</b>	Repeal
<b>Date:</b>	6/30/99

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The purpose of these regulations is to set forth a regulatory program which mandates and prescribes standards, requirements, and procedures that serve to protect the public safety and welfare from unqualified, unscrupulous, and incompetent persons engaged in the activities of private security services. The current regulations (6 VAC-20-170) are being repealed to incorporate substantive formatting changes.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Pursuant to the statutory authority set forth by Section 9-182 of the Code of Virginia, the Criminal Justice Services Board (CJSB) will amend and revise the regulations relating to private security services.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

The primary reason for promulgating these regulations are based on the substantive format changes from 6 VAC 20-170-10 et seq., which are to be repealed and replaced by this regulation. Specific areas involving content changes include the fee structure for the private security program and the application process and requirements. Specific discussion is provided within this document.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The primary advantages that these regulations provide to the general public are: (i) Sets forth standards, procedures, and requirements that serve to protect the safety and welfare of the general public from deceptive or misleading private security services business practitioners, and; (ii) Secures the public safety and welfare against incompetent, unscrupulous and unqualified persons by establishing methods of licensure, registration and certification that serve to enhance the competency of persons performing or engaged in the activities of private security services. A possible disadvantage of these regulations is that the program it prescribes receives no moneys from the General Fund, therefore, the cost to administer the program must be absorbed by the affected entities.

### Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

The estimated number of persons affected by the Regulations Relating to Private Security Services is approximately 26,000 - 30,000. This includes owners of private security businesses and training schools, instructors, registered and certified individuals, and others that may be engaged in the private security services industry.

As the proposed changes will refine particular application requirements, there are no additional costs projected for implementation and compliance outside the normal operating costs of the program. The program receives no money from the General Fund as all expenses are covered by revenue generated by application fees submitted to the department from the regulated industry. In addition, these regulations do not impact disproportionately upon any locality

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of*

*responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

These regulations will not affect the authority and rights of parents in the education, nurturing, and supervision of their children. The regulations will encourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents as well as strengthening the marital commitment. The regulations also should increase disposable family income. This should be accomplished as the purpose of these regulations is to set forth a regulatory program that protects the public from unscrupulous, incompetent or unqualified persons engaging in the activities of private security services and to prescribe standards and procedures that will enhance the professionalism and quality of service offered by the private security profession

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

As stated, the proposed regulations are made up of primarily formatting changes. The primary content changes are as follows:

a) Section 10 (Fees) reduces the initial and renewal fees for registered individuals from the current \$35 to \$25 and \$20, respectively. Licensed businesses and certified training schools are provided the opportunity to renew for a 24-month period for an additional fee reduction of \$50. In an effort to allocate fees more evenly between registered and certified individuals, the certification applications were increased from the current \$15 every 2 years, to \$20 for the same period. In addition, instructor certifications were increased from \$25 every 3 years to \$75 for the same period. The proposed fee schedule will allow the section to meet expenses based on the fee revenue;

b) Section(s) 50 & 80 (Applications requirements for businesses and training schools) increases the minimum level of the optional surety bond coverage from the current \$25,000 to \$100,000. This was increase in an effort to protect the public as much as possible from those companies that may opt for the surety bond as opposed to a general liability insurance coverage;

c) Section 120 (Initial Registration Application) requires individuals applying for electronic security categories to submit the registration application immediately on the date of hire. This change is incorporated to eliminate the amount of time during which a person may be exposed to the general public without any authorization from the department. A temporary registration will immediately be issued for a period not to exceed 90 days, meeting provisions set forth by Section 9-183.3(G) of the Code allowing individuals to be employed for a 90 day period pending completion of required training;

- d) Section 140 (Initial Certification Application) requires same as (c), above, except for unarmed security officers;
- e) Section 180 (Reinstatement) reduces that period that an individual or entity may reinstate an expired license, registration or certification from the current 180 days to 90 days;
- f) Part IV (Administrative Requirements/Standards of Conduct) specifically identify compliance requirements for businesses, training schools and individuals in a more easily referenced fashion than provided in the current regulations;
- g) Section 350.B(1)(f) (Entry-level training for personal protection specialists) decreases the compulsory minimum training for this category from the current 68 hours to 60 hours;
- h) Section 360.D (In-service training course content) eliminates the majority of legal authority required, and instead specifies job-related training. This allows individuals to receive training more specifically applicable and designed for their particular area of service;
- i) Section 480 (Complaint submittal requirements) specifies that the department may accept anonymous reports of violations, provided sufficient information is included to conduct an investigation; and
- j) Section 490 (Department investigation) specifies that the department shall attempt to keep all information gathered in an investigation confidential prior to adjudication. This would not exempt the department from applicable Federal or State laws regarding the dissemination of records upon request.

## Alternatives

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

As the Code of Virginia establishes the authority to promulgate the regulations required to maintain the regulatory program, there are no reasonable alternatives to establishing requirements for the private security services industry to protect the public safety and welfare. The department continuously, however, seeks input from the regulated industry and general public in establishing the minimum requirements by regulation in order to meet the mandate.

## Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

There were no comments received during the NOIRA comment period.

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

Specifically with this regulatory review, the department has attempted to revise the format of the current regulations in an effort to ensure that the regulations are concise and clearly written. General comments from the industry during the course of regulation by the department prompted the submitted regulations in the revised format.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

Since assuming the regulatory responsibility of private security services, the agency has been required to review and amend the Regulations Relating to Private Security Services on an annual basis, with the exception of the current regulations that have been in effect since February 1997. Additional legislation and response from the industry has required amendments that have been effective in July of each year. This agency will review and evaluate the regulations, at the least every two years, and based upon legislation normally on an annual basis, and utilizing industry response, make appropriate amendments as necessary